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In re Application of
Yishao Max Huang
Application No. 10/047,518
Filed: October 26, 2001
Attorney Docket No. 02Micro 02.12
For: PCI-PCMCIA SMART CARD
READER

~~In re Application of
Yishao Max Huang
Application No. 10/055,103
Filed: January 22, 2002
Attorney Docket No. 02MI0004
For: PCI-PCMCIA SMART CARD
READER~~

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OFFICE OF PETITIONS

DECISION DISMISSING
PETITION UNDER 37 CFR 1.10(e)
AND MERGING FILES

This is a decision on the petition under 37 CFR 1.10(e) filed January 22, 2002, accompanied by a copy of the application papers, requesting that the Office accept the copy of the application papers as the original application papers and grant a filing date of October 26, 2001.

Petitioner states that he did not receive the return postcard for the application and when the applicant called the Office to inquire about the application, he was informed that there was no record of the filing and was advised that the receipt of the application by the Office was probably delayed due to the anthrax decontamination of the Office's mail conducted by the United States Postal Service (USPS). As a result, petitioner filed the instant petition on January 22, 2002 accompanied by a copy of the application papers, filing fees, a copy of the Express Mailing label for the original application papers, and a statement that the copy of the application papers provided with the petition is a true copy of the original application papers.

The copy of the application papers filed with the petition was assigned application No. 10/055,103 and a filing date of January 22, 2002. However, the original application papers filed on October 26, 2001, have now been identified. The original application papers have already been assigned application No. 10/047,518 and accorded a filing date of October 26, 2001.

Accordingly, the petition under 37 CFR 1.10(e) filed on January 22, 2002, is dismissed as moot.

Based on the available evidence, the petition and the copy of the application papers were filed as a result of the unusual delay in receiving the original application papers by the Office because of

the USPS anthrax decontamination process. Therefore, it is appropriate to merge the file of the duplicate application (application No. 10/055,103 filed January 22, 2002) into the file of the original application (application No. 10/047,518 filed October 26, 2001).

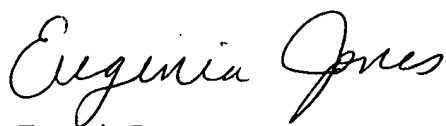
The papers in the file of application No. 10/055,103 will be placed in the file of application No. 10/047,518. However, only the original application papers will be used in the processing and examination of the application. The copy of the application papers filed with the petition on January 22, 2002 includes formal drawings and an information disclosure statement (citing Patent Nos. 5,555,510 and 5,671,368) that are not included in the original application papers. **Thus, the copy of the application papers filed on January 22, 2002 is not a true copy of the original application papers. If petitioner wishes to have formal drawings and the information disclosure statement (IDS) in the application for examination purposes (and printing of the patent if the application is subsequently allowed), petitioner must submit the formal drawings and the IDS for application No. 10/047,518.**

The application fee of \$370.00, excess claims fee of \$42.00, and the assignment fee of \$40.00 paid in application No. 10/055,103 will be refunded to **deposit account No. 07-1445**.

After the mailing of this decision, the applications will be forwarded to the Office of Initial Patent Examination (OIPE) for merging the file of application No. 10/055,103 into the file of application No. 10/047,518. **Application No. 10/055,103 will no longer be an active application number.** All future correspondence concerning this application should be directed to application No. 10/047,518.

Application No. 10/047,518 will then be returned to the Technology Center 2100 for further processing.

Any inquiries concerning this decision should be directed to Joni Chang at (703) 308-3858.



Eugenia Jones
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

cc.

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